

# State of South Dakota

## EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

934R0424

### HOUSE BILL NO. 1110

Introduced by: Representatives Engels, Cutler, Feinstein, Gibson, Gosch, Hoffman, Killer,  
and Turbiville and Senators Turbak Berry, Abdallah, Gant, and Jerstad

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to statutory rape and  
2 statutory sexual contact.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-7 be amended to read as follows:

5 22-22-7. Any person, sixteen years of age or older, who knowingly engages in sexual contact  
6 with another person, other than that person's spouse if the other person is under the age of  
7 sixteen years is guilty of a Class 3 felony. If the victim is at least thirteen years of age and the  
8 actor is less than three five years older than the other person victim, the actor is guilty of a Class  
9 1 misdemeanor. ~~If an adult has a previous conviction for a felony violation of this section, any~~  
10 ~~subsequent felony conviction for a violation under this section, is a Class 2 felony.~~  
11 Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at  
12 any time before the victim becomes age twenty-five or within seven years of the commission  
13 of the crime, whichever is longer.

14 Section 2. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as  
15 follows:



1        If an adult has a previous conviction for violation of subdivision 22-22-1(5), or a previous  
2        conviction for a felony violation of § 22-22-7, or a previous misdemeanor conviction of § 22-  
3        22-7 for a violation committed as an adult, any subsequent conviction of subdivision 22-22-1(5)  
4        or § 22-22-7, is a Class 2 felony.